

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:07-776 (CMC)
)	
v.)	OPINION and ORDER
)	
Kenneth Myrick Powers,)	
)	
Defendant.)	
)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255, arguing that in light of the Supreme Court's holding in *Johnson v. United States*, __ U.S. __, 135 S.Ct. 2551 (2015), Defendant is no longer an armed career criminal and should be resentenced. ECF No. 117. On June 24, 2016, the Government filed a reply agreeing with Defendant's motion to vacate and to Defendant being resentenced. ECF No. 122.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order as to Kenneth Myrick Powers in CR 3:07-776 filed April 23, 2008, is hereby **vacated**, and this matter is set for resentencing on **Thursday, August 4, 2016 at 2:00 p.m.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 27, 2016